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THE NEGRO QUESTION

An Address

DELIVERED BEFORE THE WISCONSIN BAR ASSOCIATION

BY

MOORFIELD STOREY

JUNE 27, 1918

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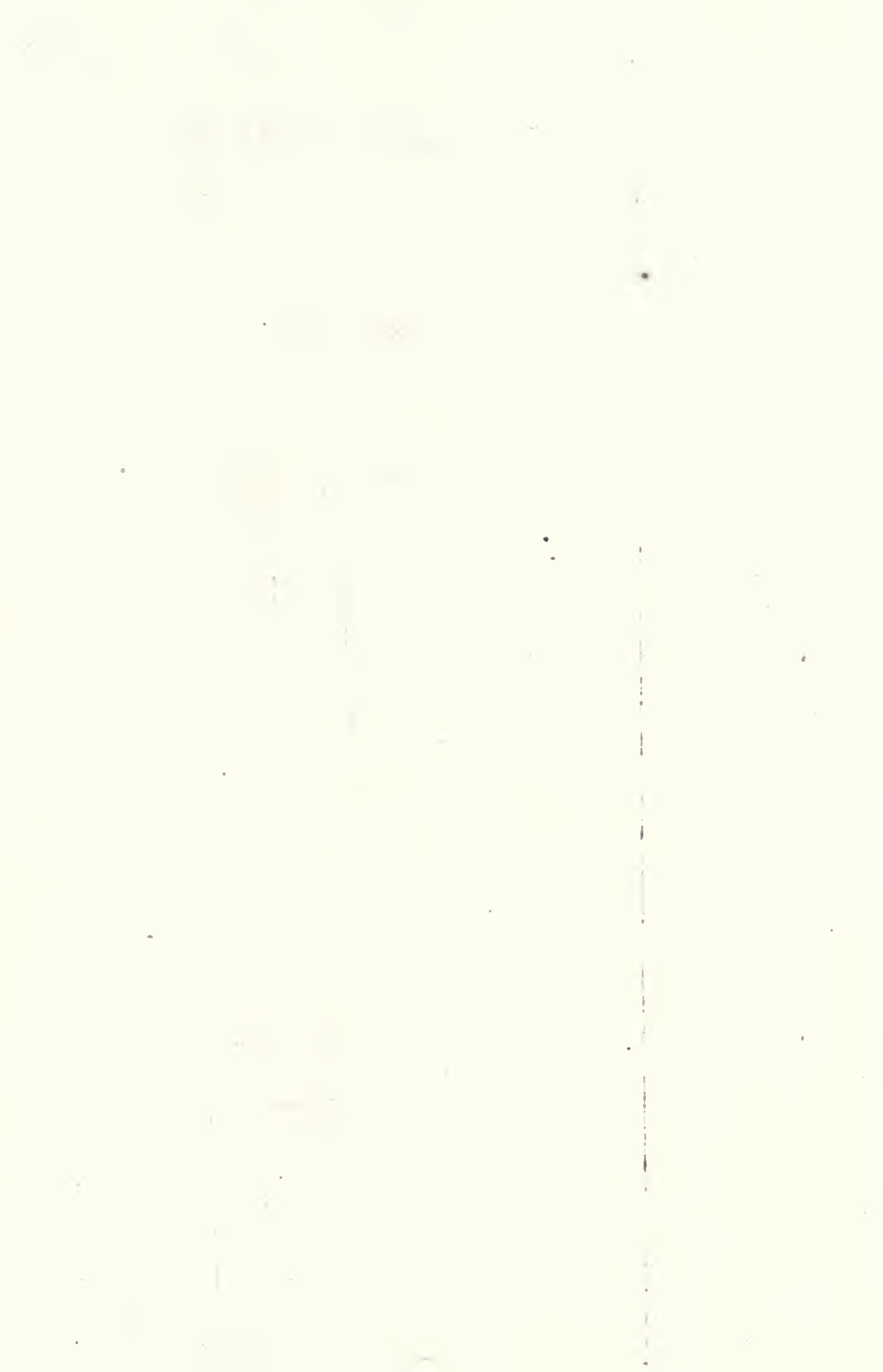
NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE

MOORFIELD STOREY, *President* JOHN R. SHILLADY, *Secretary*

70 FIFTH AVENUE, NEW YORK

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INTRODUCTION

Repl # 544497

At the conclusion of the address on "The Negro Question," by Mr. Moorfield Storey, which appears in the following pages, the Wisconsin Bar Association appointed a special committee to consider it. This committee, headed by Chief Justice (of the Supreme Court) John Bradley Winglow, submitted the following report:—

Your committee to whom was referred the address of Hon. Moorfield Storey, with a view to having an expression from this Association on the evils which were so graphically outlined in the address, have given the matter such attention as the brief time at their disposal will allow. We have been deeply impressed by Mr. Storey's address, and while we realize that it is not possible to formulate an adequate program of action at the spur of the moment, we are able nevertheless to express, and do, while yet under the spell of our speaker's eloquence, hereby express our unqualified condemnation of mob violence which has occurred and wherever it has occurred in our land, towards the colored race. It is a time when all the civilized world is profoundly shocked by the inhuman treatment of the weak and suffering by the strong and brutal hand of the oppressors. But we have to-day been told of things done in our own midst to our colored fellow-citizens that are no less barbaric than the heartrending treatment of the little peoples of the world by their oppressors. We shall reap the whirlwind if we continue to sow the wind, and as lawyers and judges who are sworn to uphold and administer the law let us at once pay heed to the solemn warning that the words of Mr. Storey have sounded in our ears. The acts of violence to this unfortunate race tend to make us indifferent to acts of violence to other races and peoples. The fair name of more than one American community within recent months has been indelibly stained by these outbursts of race hatred and bigotry. It is high time that we, the lawyers and judges, invoke the law and suppress, so far as we may, the rule of the mob. We lawyers, therefore, pledge ourselves to uphold and inculcate among our fellow-citizens respect for the law, and respect for the legal rights of all races of all members of our own community while we are crying out against the wrongs of people and races upon the other side of the Atlantic. We ask, Mr. Chairman, that a place be made on the program of our meeting next year for a report which we shall then endeavor to have ready, in which we shall hope to give some adequate expression to our hatred of that lawless disregard of the political and social rights of the colored race, which has long disgraced us as a nation, and suggest methods by which this protest may be made more effectual in the way of influencing public opinion throughout the country on the subject.

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There are in this country to-day from ten to twelve millions of native Americans entitled under the Constitution and laws of the United States to every right that any American citizen enjoys and protected against hostile legislation in any State by the Fourteenth Amendment. Yet all over the country their rights are ignored and they are subjected to indignities of every kind, simply because they are Negroes.

The Constitution expressly provides that the right of citizens to vote "shall not be denied or abridged . . . on account of race, color or previous condition of servitude." Yet in many States this provision is set at naught. The Negroes have felt the murderous violence of the Ku Klux Klan, they have seen brutality followed by fraud when elections were carried by tissue-paper ballots, and the same results accomplished later by "grandfather clauses" and laws intended to enable election officers to reject their votes. We need not enumerate the methods for we all know that in the Southern States the Negro vote has been and is suppressed. This is admitted and justified by the Southern people.

Negroes are denied the protection which the law affords the lives and property of other citizens. If only *charged* with crime or even misdemeanor, they are at the mercy of the mob and may be killed and tortured with absolute impunity. In many States they cannot obtain justice in the courts. At hotels, restaurants and theatres they are not admitted or are given poor accommodation. In the public parks and public conveyances, even in the public offices of the nation, they are set apart

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from their fellow-citizens. The districts which they occupy in cities are neglected by the authorities, and of the money which the community devotes to education, a very small fraction is allotted to them, so that their schoolhouses and their teachers are grossly inadequate. It is notorious that in many cities they are wretchedly housed and charged unreasonable rents for their abodes. Labor unions will not receive them as members, and as non-union men they find it hard to get employment. If in spite of every obstacle they gain an education, they find door after door closed to them which would have opened to receive them gladly had their skins been white. The deliberate effort is made to stamp them as inferior, to keep them "hewers of wood and drawers of water," to deny them that opportunity to rise which America offers to every other citizen or emigrant no matter how ignorant or how degraded. These are the unquestionable facts, and they are not controverted.

Let me give you some testimony from the South. Says the *Atlanta Constitution*:—

"We must be fair to the Negro. There is no use in beating about the bush. We have not shown this fairness in the past, nor are we showing it to-day, either in justice before the laws, in facilities afforded for education, or in other directions."

Some years ago a Mississippi lawyer addressing the Bar Association of that State said:—

"A Negro accused of a crime during the days of slavery was dealt with more justly than he is to-day? . . . It is next to an impossibility to convict even upon the strongest evidence any white man of a crime of violence upon the person of a Negro . . . and the converse is equally true that it is next to an impossibility to acquit a Negro of any crime of violence where a white man is concerned,"

and well did he add,

"We cannot either as individuals, as a country, as a State, or as a nation continue to mete out one kind of criminal justice to a poor man, a friendless man, or a man of a different race, and another kind of justice to a rich man, an influential man, or a man of our own race without reaping the consequences."

From the *Vicksburg Herald* come these words:—

"The *Herald* looks with no favor upon drafting Southern Negroes at all, believing they should be exempt *in toto* because they do not equally 'share in the benefits of government.' To say that they do is to take issue with the palpable truth. 'Taxation without representation,' the war-cry of the Revolutionary wrong against Great Britain, was not half so plain a wrong as requiring military service from a class that is denied suffrage and which lives under such discriminations of inferiority as the 'Jim Crow' law and inferior school equipment and service."

One might criticise such an utterance as intended to encourage resistance to conscription by the Negroes, or might imagine that the writer from these premises would argue against the "wrong" which he recognizes. Alas, no. His argument is that the wrong must be made permanent and the conscription of Negroes abandoned because it makes the wrong too apparent. He says, "Drafting Negroes as soldiers is a gross travesty and contradiction of the color-line creed," and rather than abandon that creed he would deprive his country in this terrible crisis of all the soldiers which twelve millions of people are ready and anxious to supply.

If we ask what is done for education, the report of a careful investigation published by the Bureau of Education in the Department of the Interior is melancholy reading. It gives the facts as to the 16 Southern States, the District of Columbia and Missouri, in which

the population contains a considerable portion of Negroes, and states that in 15 States and the District of Columbia "for which salaries by race could be obtained" the figures showed an expenditure of "\$10.32 for each white child and \$2.89 for each colored child." The conditions are even worse than these figures indicate, for, as the report states, "the *per capita* expenditure for Negro children is higher in the border States, where the proportion of colored people is relatively small and the proportion for colored high schools is better." The more numerous the Negroes the smaller is the provision for their education. A table in the report shows that in the counties where the percentage of Negroes in the population is less than 10 per cent., the *per capita* expenditure for white and colored is nearly equal. It evidently does not pay to maintain separate schools. Where, however, the percentage of Negroes is between 50 and 75 per cent. the expenditure for the whites is \$12.53 *per capita* and for the colored \$1.77, while where the percentage exceeds 75 per cent. the expenditure for the whites is \$22.22 and for the Negroes only \$1.78 *per capita*.

The results may be imagined, and we cannot be surprised at the testimony which the same report gives from competent witnesses. I quote:—

"The supervisor of white elementary rural schools in one of the States recently wrote concerning the Negro schools:—

"I never visit one of these [Negro] schools without feeling that we are wasting a large part of this money and are neglecting a great opportunity. The Negro schoolhouses are miserable beyond all description. They are usually without comfort, equipment, proper lighting, or sanitation. Nearly all of the Negroes of school age in the district are crowded into these miserable structures during the short term which the school runs. Most of the teachers are absolutely untrained and have been given cer-

tificates by the county board, not because they have passed the examination, but because it is necessary to have some kind of a Negro teacher. Among the Negro rural schools which I have visited, I have found only one in which the highest class knew the multiplication table.'

"A State superintendent writes:—

"There has never been any serious attempt in this State to offer adequate educational facilities for the colored race. The average length of the term for the State is only four months; practically all of the schools are taught in dilapidated churches, which, of course, are not equipped with suitable desks, blackboards, and the other essentials of a school; practically all of the teachers are incompetent, possessing little or no education and having had no professional training whatever, except a few weeks obtained in the summer schools; the schools are generally overcrowded, some of them having as many as 100 students to the teacher; no attempt is made to do more than teach the children to read, write, and figure, and these subjects are learned very imperfectly.'"

But more dangerous and more wicked than neglect is the barbarous cruelty of lynching. I need not revive the figures of the past. What has happened within a year is enough. Since the United States entered the war a careful investigation shows that 219 Negro men, women and children have been killed and lynched by mobs in addition to two white men, one of these being Robert Prager. Four Negroes were lynched in Alabama, 2 in Arkansas, 1 in Florida, 7 in Georgia, 1 in Kentucky, 11 in Louisiana, 3 in Mississippi, 1 in North Carolina, 2 in Oklahoma, 2 in South Carolina, 5 in Tennessee, 9 in Texas, 3 in Virginia, 1 in West Virginia, and 1 in Wyoming. In addition to these cases 175 men, women and children were tortured, burned and killed at East St. Louis in July, 1917, and three Negroes were killed by a mob at Chester, Pennsylvania, in September,

1917.* Since 1885 between 3,000 and 4,000 cases of lynching have been reported, and in only three instances does investigation show that any lyncher was punished. In two of these cases the victim of the mob was white. In the third case, that of a particularly atrocious murder of a Tennessee farmer and his two daughters, the lynch-ers were two young and friendless white boys.

That you may realize what lynching is, let me give you instances. Dyersburg in Tennessee is a prosperous town of some 7,500 people, the county seat and a representative community of the better class. In this town on Sunday morning, December 2, in a lot the corner of which adjoins the public square, and which is within a stone's throw of two churches and the residences of several ministers, as well as of the mayor of the town, while the people of Dyersburg surrounded the scene, watched all that occurred and approved, since no protest was made, a Negro was thus dealt with:—

“The Negro was seated on the ground and a buggy-axle driven into the ground between his legs. His feet were chained together, with logging chains, and he was tied with wire. A fire was built. Pokers and flat-irons were procured and heated in the fire. It was thirty minutes before they were red-hot.

“His self-appointed executors burned his eyeballs with red-hot irons. When he opened his mouth to cry for mercy a red-hot poker was rammed down his gullet. Red-hot irons were placed on his feet, back and body, until a hideous stench of burning human flesh filled the Sabbath air of Dyersburg.

“Thousands of people witnessed this scene. They had to be pushed back from the stake to which the Negro was chained. Roof-tops, second-story windows and porch-tops were filled with spectators.

* Since this address was written, and between May 15 and June 2 last, three colored men and one woman were lynched in Georgia for alleged complicity in a murder, one has been lynched and his body burned in Tennessee, the whole colored population of the town being forced to witness the burning, and a mother and her five sons have been shot to death in Texas on account of an altercation between one of them and a white man, the woman's daughter also being fatally wounded.

Children were lifted to shoulders, that they might behold the agony of the victim.

"A little distance away, in the public square, the best citizens of the county supported the burning and torturing with their near-by presence."

The *Memphis News-Scimitar* thus describes the scene:

"Not a domino hid a face. Every one was unmasked. Leaders were designated and assigned their parts. Long before the mob reached the city the public square was choked with humanity. All waited patiently. Women, with babies, made themselves comfortable.

"At last the irons were hot.

"A red streak shot out; a poker in a brawny hand was boring out one of the Negro's eyes. The Negro bore the ordeal with courage, only low moans escaping him. Another poker was working like an auger on the other orbit.

"Swish. Once, twice, three times a red hot iron dug gaping places in Lation Scott's back and sides.

"Fetch a hotter one,' somebody said. The execution went on.

"Now some one had another poker—jabbing its fiery point into the ribs of the doomed black.

"Then rubbish was piled high about the agonized body, squirming beneath its load.

"More and more wood and rubbish were fed the fire, but at three o'clock Lation Scott was not dead. Life finally fled at four o'clock.

"Women scarcely changed countenance as the Negro's back was ironed with the hot brands. Even the executioners maintained their poise in the face of bloody creases left by the irons,—irons which some housewife had been using.

"Three and a half hours were required to complete the execution."

We cannot but wonder whether on that Sunday morning, in the shadow of the churches, any of the respectable church-going citizens of Dyersburg who witnessed these horrors remembered the immortal words, "Inasmuch as

ye did it unto one of these my brethren, even these least, ye did it unto me."

At Estill Springs in Tennessee a Negro charged with killing two white men was in like manner tortured and burned alive. The *Chattanooga Times* thus describes what occurred:—

"Jim McIlherron, the Negro who shot and killed Pierce Rodgers and Jesse Tigert, two white men, at Estill Springs, last Friday, and wounded Frank Tigert, was tortured with a red-hot crowbar and then burned to death here to-night at 7.40 by twelve masked men. A crowd of approximately 2,000 persons, among whom were women and children, witnessed the burning.

"McIlherron, who was badly wounded and unable to walk, was carried to the scene of the murder, where preparation for a funeral pyre was begun.

"The captors proceeded to a spot about a quarter of a mile from the railroad station and prepared the death fire. The crowd followed and remained throughout the horrible proceedings. The Negro was led to a hickory tree, to which they chained him. After securing him to the tree a fire was laid. A short distance away another fire was kindled, and into it was put an iron bar to heat.

"When the bar became red hot a member of the mob jabbed it toward the Negro's body. Crazy with fright, the black grabbed hold of it, and as it was pulled through his hands the atmosphere was filled with the odor of burning flesh. This was the first time the murderer gave evidence of his will being broken. Scream after scream rent the air. As the hot iron was applied to various parts of his body his yells and cries for mercy could be heard in the town.

"After torturing the Negro several minutes one of the masked men poured coal oil on his feet and trousers and applied a match to the pyre. As the flames rose, enveloping the black's body, he begged that he be shot. Yells of derision greeted his request. The angry flames consumed his clothing and little blue blazes shot upward from his burning hair before he lost consciousness."

The example to these lynchers was set in Memphis, and I quote the following statement from Rt. Rev. Thomas F. Gailor, Episcopal Bishop of Tennessee, a Southern white man, who wrote in the *Nashville Banner*:—

“I realize that it is futile to attempt by any written word to stem the tide of what seems to be the popular will; but a man can, at least, declare his abhorrence of such atrocities.

“This kind of lynching seems to be becoming epidemic in our State. About two years ago a Negro from Fayette County was lynched most barbarously near Memphis, and parts of his body, according to the newspapers, carried away as souvenirs. Many citizens of Memphis protested, but they were ignored. Last winter a Negro man near Memphis was burned at the stake, gasoline was poured over his body, and his head was cut off and taken through the city streets as a trophy. Last fall a Negro was burned to death in Dyersburg, and thousands of white people stood by and gloated over his agonies. And now, at Estill Springs, we have another burning, where the white men in charge first tortured the miserable creature with a red-hot iron, ‘to break his will,’ while the victim, already shot nearly to death, with one eye hanging out, screamed for mercy, and a thousand white men, with hundreds of women and children, looked on and were not ashamed.”

These details are revolting, and you may ask me why I harrow you by reciting them. Because unless the hideous horror of the disease is brought home to you, you will not rouse yourselves to find the remedy.

The massacre of St. Louis is fresh in your memories, and its horrors are well known at the South, as appears by the article in the *Greenville News*, published at Greenville, South Carolina, of all days on July 4, 1917, under the title “The Banner Lynching”:—

"Twenty Negroes have been killed, three hundred are injured, and more than one hundred and fifty of their homes have been burned. This was the work of a mob that showed no Negro mercy, that did not stop to discriminate between the good and the bad. All that could be caught were beaten, if not slain, and battered into pulp. White women caught Negro women and tore their clothes off, beat them and ran them away. As the Negroes ran out of their burning houses, fired by the mob, they were shot down like dogs. One thousand five hundred soldiers do not suffice to control the situation. Hundreds of Negroes, many of them carrying babies, are fleeing from their former homes. Five hundred of the mob are in jail.

"The Memphis burning of a Negro at the stake, the Abbeville lynching of Crawford, seem insignificant when compared with the East St. Louis shambles, when the streets ran red with Negro blood, when Negro women, innocent and unoffending, were brutally beaten, when Negro men were shot down for competing with white labor."

Pages could be filled with the agonizing details of these and similar atrocities. The governors of Tennessee, Mississippi and Louisiana have been appealed to, but have refused to act, pleading a lack of power. In striking contrast has been the action taken by the Governors of Kentucky and both Carolinas, but in spite of their efforts the men who commit these crimes go free like the men who confessed that they murdered Prager. Coatesville in Pennsylvania, Springfield in Illinois the home of Abraham Lincoln, have witnessed scenes scarcely less atrocious, and, though the men who committed these hideous crimes were well known and were in some cases indicted, not one was ever punished. The juries refused to convict.

It is conceivable that in a country as large as ours ruffians might be found so degraded and ferocious as to commit these horrible crimes, but that no attempt should

be made to punish them, that respectable men and women should look on and let their children witness such horrors would be inconceivable were it not clearly true. The great body of the community approves or lynching would stop. Men justify their treatment of the Negroes by saying that it is necessary "to preserve their civilization," while the editor of the *Little Rock Daily News* recently wrote that he considered white men "just a little lower than the angels" and the Negro "just a little higher than the brutes." What sort of "civilization" do such actions reveal, and who are the angels whom these white men so closely resemble?

The excuse that such things are done to prevent crimes against women is without foundation. Let me answer it by Southern testimony. Dr. W. C. Scroggs of the Louisiana State University says: "Not only is lynching no preventive of crimes against women, but statistics prove that only one time in four are such crimes the cause of lynching. In 1915 only 16 per cent. of the persons lynched were *charged* with crimes against womanhood." I have emphasized the word "charged" for a charge is easily made and often falsely, as figures abundantly prove. In court the man who is charged is presumed to be innocent. To the mob the charge is proof of guilt.

The figures for 1917 abundantly confirm Dr. Scroggs:—

| | |
|---|-------------|
| "Rape and attempted rape..... | 11 |
| Murder..... | 5 |
| Assault and wounding..... | 4 |
| Robbery and theft..... | 6 |
| White women (intimacy, annoying, striking, entering room, etc.) | 7 |
| Race prejudice (refusing to give up farm, accidental killing) .. | 2 |
| Opposing draft..... | 1 |
| Resisting arrest..... | 1 |
| Unreported | 4 |
| Vagrancy, disputing | 3 |
| Killed by mobs..... | 178 |
| Total..... | 222" |

No saner words on the subject have been uttered than these which I quote from Henry Watterson:—

“Lynching should not be misconstrued. It is not an effort to punish crime. It is a sport which has as its excuse the fact that a crime, of greater or less gravity, has been committed or is alleged. A lynching party rarely is made up of citizens indignant at the law’s delays or failures. It often is made up of a mob bent upon diversion, and proceeding in a mood of rather frolicsome ferocity, to have a thoroughly good time. Lynchers are not persons who strive from day to day toward social betterment. Neither are they always drunken ruffians. Oftentimes they are ruffians wholly sober in so far as alcoholic indulgence is concerned, but highly stimulated by an opportunity to indulge in spectacular murder when there is no fear that the next grand jury will return murder indictments against them.”

This is the situation which confronts this country. We call it “The Negro problem,” but it is not. The Negroes did not come to this country as voluntary emigrants. We white men took them from their homes and brought them here to be our slaves. We held them in slavery for more than two centuries. We called them “chattels,” we refused them all the rights of men and did our best to make them brutes. We were afraid to let them learn and we kept them ignorant. Their patience, their kindliness, their gentleness made all this possible. Had they been less patient, slavery would have perished at the outset.

During the Civil War waged, at least after 1863, to free them, they showed a loyalty to their masters which is without a parallel in history. They tilled the soil and raised the crops which fed the Southern soldiers, who were fighting to keep them slaves. To their protection these soldiers confided their wives and children, and, as a leading Southern gentleman said to me, “There

was not a single case in which this trust was betrayed," adding with tears in his voice, "There never was a better race than the Negroes." This shows how far they were from brutes. There were in the Confederate States nearly four million slaves, but, as Mr. Rhodes says, they "made no move to rise." In the graphic words of Henry Grady, "a thousand torches would have disbanded the Southern army, but there was not one."

The Negroes had no voice in reconstruction, nor did they propose or in any way help to carry the amendments to the Constitution which secure their rights. We forget that Andrew Johnson reconstructed the Southern States on a white basis, and that legislatures of white men chosen by white votes at once passed laws which virtually re-established slavery. The amendments were adopted to save the country from such a calamity and to preserve forever the results of the war. The contemporary records abundantly establish these propositions.

If in the first few years the Negroes made a foolish use of their newly acquired power, they acted under white leaders who led them wrong, and who were able to do so, because the men to whom for four years they had shown such unexampled loyalty refused to lead them right. At the worst they acted as people act who are ignorant and unfamiliar with the business of the government. Who had kept them so ignorant and so unprepared to exercise their rights as men? Compare them with the Bolsheviks, or even with the French in 1789, and tell me that they suffer by the comparison. Compare their worst follies with the deeds of the Ku Klux Klan, or the atrocities of East St. Louis and Dyersburg, and you must admit that we white men, who for centuries have been civilized, can cast no stone against them.

What is there, then, in the Negro which justifies or in any way excuses our treatment of his race? We

brought him here and we have governed him ever since. The conditions which exist are of our own creation. We have made the laws under which he lives; we administer them. Save in a few States his vote is negligible. He has no representative in Congress or in executive office. He simply exists as God made him and as we have degraded him. While we deny these millions of men their rights as citizens, we demand of them the fulfilment of all the obligations of citizens. We tax their property, and in this supreme crisis of the world's history we demand their lives. Our conscription law recognizes no distinction of color, and loyally they answer their country's call.

They do not hold back or plot against the government as do the Sinn Feiners in Ireland, but now as always in our history they have been as ready to fight for their country as any white men. Let me give you the testimony of their Southern white neighbors. It is from the Charlotte (North Carolina) *News* that I quote:—

"It is the marvel of the South, as it ought to be the admiration of the whole United States, that when the colored man in the hard stages of the war, through which we are beginning to pass, is being put to the test, he is measuring up to the full valuation of a citizen and a patriot. There has been nothing wanting about him. In every activity to which the mind of the country has been directed since it was committed by its great President to war, the Negro has fulfilled his obligation. There has not only been a total absence of resistance, but there has been, rather, a hearty response to every appeal of the government, a thorough fitting-in with every enterprise that had of necessity to be founded, first of all, upon a spirit of patriotism. These multiplied diversities need not be enumerated. What the colored man has done is made all the more glittering by what he has refused to do. His efforts and activities speak in terms of eloquence that become the despair of those who seek to portray them."

And to these words I add from the *Charleston News and Courier* the following:—

“The Negroes have met the first test admirably. Both the drafted men and the Negro leaders of South Carolina have earned the commendation of them which is being freely voiced by white citizens everywhere. The leaders have realized, as it was hoped they would, that in a way their race is on trial. Evidently they are determined that it shall acquit itself well.”

Is there nothing in all this which touches the conscience of their countrymen, which appeals to their sense of justice? I put the question to you: Does it touch your consciences?

It is a white man's problem which confronts us. The fault is in us, not in our colored neighbors. It is our senseless and wicked prejudice against our fellow-men which is the root of all our troubles. The question is, how can we make the white people of this country recognize the rights which they themselves have given to the Negro, how can we induce them to enforce the laws which they themselves have made for his protection, how persuade them to do him simple justice, how lead them to allow him equal opportunity, to educate the men of whose ignorance we complain, to set the Negro an example of civilization and not of worse than mediæval brutality,—in a word, to help the Negro up and not to beat him down. We can blame him for nothing, for we are responsible for him and his situation. Can we not make the American people feel how cruel, how wicked, how cowardly is their treatment of men who have never injured them, and who are in numbers and resources so much weaker? This is the question on the answer to which the future of this country in no small measure depends. For the crime of establishing and maintaining slavery the white people of this country paid bitterly by the sufferings, losses and demoraliza-

tion entailed by four years of civil war. We may well heed the words of Edmund Burke and "reflect seriously on the possible consequences of keeping in the hearts of your community a bank of discontent, every hour accumulating, upon which every company of seditious men may draw at pleasure."

When the Irish troops were brought to London by James II., Macaulay tells us how they were regarded by the English:—

"No man of English blood then regarded the aboriginal Irish as his countrymen. They did not belong to our branch of the great human family. They were distinguished from us by more than one moral and intellectual peculiarity. They had an aspect of their own, a mother tongue of their own. . . . They were therefore foreigners; and of all foreigners they were the most hated and despised; the most hated, for they had during five centuries always been our enemies; the most despised, for they were our vanquished, enslaved, and despoiled enemies. . . . The Irish were almost as rude as the savages of Labrador. [The Englishman] was a freeman; the Irish were the hereditary serfs of his race. He worshipped God after a pure and rational fashion; the Irish were sunk in idolatry and superstition; . . . and he very complacently inferred that he was naturally a being of a higher order than the Irishman, . . . who were generally despised in our island as both a stupid and cowardly people."

Could the most prejudiced white man use stronger terms to paint the inferiority of his colored neighbor?

The Irish nation to-day is extremely prosperous, yet the memory of ancient wrongs coupled with the desire for greater political rights makes her a thorn in England's side, when England needs the loyal support of all her citizens. "England's extremity is Ireland's opportunity" in bitter truth. We may well bear this example in mind, and remember how small a fraction of the English Empire is the discontented part of Ireland.

and how much this small discontent costs. We may well ask what is in store for us. If it cost us four years of civil war to hold some three or four millions of ignorant Negroes in slavery, what may it not cost us to trample upon the rights and feelings of twelve million freemen, constantly gaining in numbers and education, resources and self-respect! These are questions for me and for you, as well as for every citizen of the United States. What are you doing to answer them?

Men say that it is for the Southern States to deal with the situation, and that we must not interfere. So in 1850 they said that slavery was a Southern question and that none but Southern men could understand or deal with it. The Grand Army of the Republic living and dead, the soldiers' monuments in every town, the green graves in Southern and Northern land alike, bear witness to the falsity of the claim, and prove that the whole nation pays for the fault of any part. It was the blood of white men which was drawn by the sword to pay for the blood of black men drawn by the lash.

You may say that this is a rhetorical answer. Let us turn to facts and figures. The Presidential election of 1916 stirred the country deeply, and we may take the vote cast then to illustrate my point. Louisiana, Kansas and Mississippi are each entitled to 8 representatives in Congress, and must have therefore nearly equal populations. Ignoring the votes of the small parties, the people of Kansas cast 592,246 votes, the people of Louisiana 86,341 votes, the people of Mississippi 84,675. More than half the people of the latter State are colored, and the proportion is nearly as large in Louisiana. South Carolina with 7 representatives cast 63,396 votes. Arkansas with the same representation 160,296, while Connecticut with only 5 representatives cast 206,300. About 9,000 votes elected a representative from South Carolina. A few more than 10,000 chose one in Louisiana and Mississippi, if all the votes were cast for the

winning candidates, and as only 1,550 Republican votes were cast in South Carolina, 4,253 in Mississippi and 6,466 in Louisiana, they do not seriously affect my point. In Kansas about 74,030 persons on an average voted for each representative, and the delegation was divided, 3 Republicans and 5 Democrats. Similar comparisons might be made between other States with like results.

We should not perhaps be so greatly concerned if these figures merely meant a lack of interest on the part of the voters. Their significance lies in the fact that there was in the Southern States no conflict, for the reason that the Negro vote was suppressed. The Negroes are counted as voters in determining how many representatives the State shall have, but are not allowed to cast their own votes, so that each Democrat votes for himself and for one or more Negroes, and consequently exercises a much larger influence in the choice of President and Congress than the voter in Wisconsin or Massachusetts. In the latter States the voter casts one ballot, in the Southern States he casts two or three in effect. Remembering how small is the majority in the House of Representatives, it is clear that the policy of the country on all important questions like the incidence of taxation, as well as the administration of the laws by which the taxes are collected, is determined by men who cast votes which they have no right to cast. Men say that "the South is in the saddle" and the political situation which that phrase describes is due to the suppression of the Negro vote. If the Negroes were not counted in the basis of representation, or if they were allowed to vote freely, this situation would not exist.

I am not concerned to consider whether the government which rests on a South thus made "solid" is good or bad. I dwell on the facts to make you see that the suppression of the Negro vote does concern you. It takes away a large fraction of your voting power, and if you care whether the administration is in Republican

or Democratic hands, or if you think it possible that cases may arise when issues must be decided which are vital to the country, you must realize that a situation is dangerous where large bodies of citizens can cast votes to which they are not entitled,—when one man's vote counts two or three times as much as another's.

How is it with the Southern States themselves? Ask their wise men whether the present condition places the fittest citizens in power, ask them what its effect is on the political life of the community, and they will tell you that it is bad. Do not rely on the statements of men in office who owe their positions to the fact that the Negroes cannot vote. They of course speak well of the bridge which has carried them safely over. Ask men who have retired and are disinterested spectators, ask the men of affairs, ask the students of history, and if they answer fairly they will tell you that where there is only one party and no opposition in a free state, its government will not continue to be good; that where all great public questions are decided not upon their merits but according to a single prejudice, they cannot be decided wisely; and that where a whole community combines to perpetrate or tolerate injustice upon any class of citizens or even upon a single man, no citizen's rights are safe, for every man's sense of justice is blunted, and he who rides to power on one prejudice to-day may be the victim of another prejudice to-morrow. The attempt to punish Dreyfus for a crime he did not commit, supported though it was by the highest officials and the strongest influences in France, nearly overthrew the republic. We may take warning from that lesson. It is still as true as when the ancient statesman uttered it that "only that government is good where an injury to the meanest citizen is regarded as an injury to the State."

The suppression of the Negro vote injures the whole country, and we must all recognize this and insist that

no man shall cast the ballot which belongs to another, and that the right of every citizen to cast his own vote shall be secure.

Does not the lack of education concern us? Can a country have a better asset than a body of well-educated citizens? Have we such a superfluity of labor, is our business future so assured, that we can afford to throw away competent men? Even if men are only to be used as soldiers, they need education to be good soldiers. Without it—

- (1) They cannot sign their names.
- (2) They cannot read their orders posted daily on the bulletin-board in camp.
- (3) They cannot read their manual of arms.
- (4) They cannot read their letters or write home.
- (5) They cannot understand the signals nor follow the signal corps in time of battle.

We may well be ashamed to think that out of the many thousand Negroes who are enlisted in our ranks and ready to die for us “many cannot even write a letter to their anxious mothers at home, so little training have they had in the schools of their country.”

As in the human body a diseased part infects the whole, so in the body politic an ignorant and degraded body of citizens is a menace to the State. Such a class is bad company for its neighbors, its habitations are breeding-places for pestilence which easily spreads from the hovel to the palace, they are also sources of moral infection which spreads even more readily, and they offer retreats for criminals of every kind. They are in fact the bases for hostile raids by enemies of the community.

The *Report on Negro Education* to which reference has already been made well says:—

“However much the white and black millions may differ, however serious may be the problems of sanitation and education developed by the Negroes, the

economic future of the South depends upon the adequate training of the black as well as the white workman of that section. The fertile soil, the magnificent forests, the extensive mineral resources, and the unharnessed waterfalls are awaiting the trained mind and the skilled hand of both the white man and the black man."

The open letter by the Southern University Race Commission, from which the following passage is quoted, has been called "the most clear-cut statement in favor of the education of the Negroes that has been issued by any body of Southern white men." It says:—

"The solution of all human problems ultimately rests upon rightly directed education. In its last analysis education simply means bringing forth all the native capacities of the individual for the benefit both of himself and of society. It is axiomatic that a developed plant, animal, or man is far more valuable to society than an undeveloped one. It is likewise obvious that ignorance is the most fruitful source of human ills. Furthermore it is as true in a social as in a physical sense that a chain is no stronger than its weakest link. The good results thus far obtained, as shown by the Negro's progress within recent years, prompt the commission to urge the extension of his educational opportunities.

"The inadequate provision for the education of the Negro is more than an injustice to him; it is an injury to the white man. The South cannot realize its destiny if one-third of its population is undeveloped and inefficient. For our common welfare we must strive to cure disease wherever we find it, strengthen whatever is weak, and develop all that is undeveloped. The initial steps for increasing the efficiency and usefulness of the Negro race must necessarily be taken in the schoolroom."

There is no answer to the question which Carl Schurz put to the Southern States,—

"How can you expect to succeed in competition with

neighboring communities if it is your policy to keep your laborers ignorant and degraded when it is their policy to educate and elevate theirs?"

We are all interested in the prosperity of every community in this country. Whatever helps one helps us all. It is not—it cannot be—a question which does not concern us whether education is given or denied to the Southern Negroes.

How is it with lynching? Does not this affect us all?

In the first place these horrors occur over a wide area. Pennsylvania and Illinois have furnished hideous examples as well as Georgia and Tennessee. While such crimes as these go unpunished and therefore evidently approved by public opinion, how can we denounce the cruelties of Germany? How do you suppose such things affect our country's reputation with really civilized nations? You can answer this question for yourselves if you will remember your boyish feelings about the North American Indians, who never did anything more cruel than these white Americans, or if you will imagine hearing that such things had been done in Turkey, or Russia, or by Germans in Belgium or Poland. We must end these horrors at home before we can attack others abroad.

What are we doing? From the President of the United States down and by all great leaders of public opinion silence is maintained. When Prager was hung by the mob the Attorney-General of the United States at once brought the case before the Cabinet, the whole influence of the Administration was used to stir the authorities of Illinois to action and they responded. The prosecution failed because the jurymen did not realize what they were doing, but it was made clear that the Government condemned the act. When, however, Dyersburg and Estill Springs stain our good name only a few voices of little authority are raised in protest, and no attempt is made to punish the criminals. Col-

lege festivals come and go, but what college president, what orator at Commencement, takes the evil of lynching as his subject. The universal silence disgraces us more than the acts themselves. The lynchers are ruffians and act as such, but the silent statesmen, clergymen and scholars are the best men in the country.

If the effect on the country's good name is bad, what think you is the effect on ourselves? What education are the children getting whose mothers take them to witness such barbarities, and whose fathers hold them up that their view may be uninterrupted? These children will govern this country in a few years, and how will they govern it? A community so brutalized as those communities must be where the men are thus tortured is a bad neighbor. We do not let our little children torture animals, for we know that the practice of cruelty depraves those who are guilty of it. Why are we silent when whole communities are thus degraded? If they were threatened with the destruction of property by conflagration or flood, we should rush to help them. Barbarism is a worse foe than flood or fire. It is a pestilence whose spread is not recognized until it breaks out in such horrors as that of East St. Louis. Should we not help them to stay its ravages?

Cannot you realize that your own house is on fire? Attorney-General Gregory in addressing the executive committee of the American Bar Association in May said:—

“We must set our faces against lawlessness within our borders. Whatever we may say about the causes for our entering this war, we know that one of the principal reasons was the lawlessness of the German nation—what they have done in Belgium, and in Northern France, and what we have reason to know they would do elsewhere. For us to tolerate lynching is to do the same thing that we are condemning in the Germans. Lynch law is the most cowardly of crimes.

"Invariably the victim is unarmed, while the men who lynch are armed and large in numbers. It is a deplorable thing under any circumstances, but at this time above all others it creates an extremely dangerous condition. I invite your help in meeting it.

"The two excuses usually given are that there are no adequate laws and that the laws we have are not properly enforced. The people of this country must be given to understand that we have means of protecting those in the field and those at home and what is being done to accomplish that result.

"I urge you through such machinery as you see fit to adopt to assist in getting before the people of this country the facts that laws are now on the statute books or will be within a few weeks which will reasonably protect the interior defences of our country, that an honest, adequate and earnest force is dealing with this situation; and that unless the hysteria which results in the lynching of men is checked it will create a condition of lawlessness from which we will suffer for a hundred years."

He had in mind the case of Prager, but what he said applies with even greater force to the lynching of Negroes, and it is absolutely true. Lawlessness is a disease which spreads rapidly and insidiously. You have not forgotten the night-riders of Kentucky who terrorized large parts of the State and paralyzed the administration of the law for a considerable time. Their efforts were intended to prevent their neighbors from selling tobacco at prices and to a customer that they did not approve,—in a word, from exercising their unquestionable right to deal as they would with their own property. You must remember also the trials at Indianapolis and Los Angeles which showed that the leaders of labor unions had been engaged in a gigantic conspiracy to promote their objects by blowing up factories, bridges, buildings and newspaper offices, causing enormous damage to property and more terrible danger to

human life. You have not forgotten the case of Leo Frank in Georgia taken from the State Prison and lynched though he had been duly convicted and imprisoned according to law. The Georgia mob blamed the Governor for commuting his sentence from death to imprisonment and therefore killed Frank. The lynch-ers were known and might have been prosecuted, but they were set free, while the Governor who commuted the sentence was threatened with being lynched himself. You read in the newspapers every little while that some man has been tarred and feathered or otherwise abused because he has not bought as many Liberty Bonds as some of his neighbors think he ought to have bought. Criticism of the Government is attended to-day with great risks even in the courts, where extraordinary sentences are imposed for the expression of unpopular opinions. The mob is waiting in all these cases and, ignorant of the facts, asserts its own standard of patriotism or generosity, any deviation from which is punished by death without trial.

When this war is over we know that contests between employer and employee are certain, and the air is full of wild claims made by the Bolsheviki and their congeners all over the world. Such periods of readjustment as that which awaits this nation are always dangerous, and if lynchers go unpunished we may find their methods employed against the capitalists who excite their wrath, the courts and the public officers who stand in the way of what the mob of the moment desires, and even counsel may share the fate of their clients. Lawyers have never been very popular since the days of Jack Cade, and many ruffians believe with him that they should all be hanged. When the Missouri Compromise was repealed, Charles Sumner warned the Senate of the United States that they were sowing dragon's teeth which in time would arise as armed men. Four years of civil war proved him a true prophet.

We are repeating the sowing, and the crop is just as sure. Believe me, the dangers which threaten our civilization from lawlessness are greater and far more real than any which Prussian soldiers can inflict.

I have come half across the continent to see if I cannot make you realize the situation and stir some of you at least to action. We are lawyers, who more than any other men are bound to support the law. We understand what lawlessness means and what its dangers are. The men in the communities where lynchings occur, who are silent, must confess either that they approve the crimes or are too cowardly or too selfish to make a public protest. The ruffians are essentially weak—they are cowards, or they would not treat as they do their helpless victims. Public opinion, the strongest force in any country, once aroused and expressed would stop these outrages. There is no man in this country, North or South, in Massachusetts and Wisconsin as well as in Louisiana or Mississippi, who is not bound to help rouse this public opinion. If we are silent we also must admit that we are cowardly or indifferent, or that we approve. Either attitude should be impossible. Let us speak out and keep speaking out until our condemnation is felt by every community, and the men who now commit these hideous barbarities learn from what we say that this country cannot tolerate them. The enforcement of the law by the constituted authorities would frighten the perpetrators. Are they afraid to do their duty? If so, the community must give them courage or elect better men. If they dread the loss of office, make them realize that the law-abiding citizens have more votes than the criminal classes, and that they will not forgive neglect of duty.

We are asking our Negro fellow-citizens to give their lives to their country. Such arguments as I have quoted from the *Vicksburg Herald* might well have made them hesitate, but with cheerful readiness and loyalty they

have come forward at our call. They have been met with jeers from many quarters, with insults, with the suggestion from high officers that they should not exercise their legal rights for fear of exciting unjust race prejudice, with proposals that they should serve as laborers and not as soldiers, but notwithstanding all these things they have never failed or faltered. They are men with feelings and ambitions like our own. Do you think they do not realize the contrast between Houston and East St. Louis? Of the occurrences at the latter the Grand Jury after investigation said:—

“East St. Louis was visited by one of the worst race riots in history, a siege of murder, brutality, arson and other crimes, hitherto of such a loathsome character as to challenge belief. After hearing all evidence we believe the riots—at least the occurrences which led up to them—were deliberately plotted.”

At Houston no one who reads the evidence can doubt that the Negroes were stung into action by great provocation. Here are the comparative figures:—

| <i>Houston</i> | <i>East St. Louis</i> |
|---|--|
| 17 white persons killed. | 125 Negroes killed. |
| 13 colored soldiers hanged. | 10 colored men imprisoned for fourteen years. |
| 41 colored soldiers imprisoned for life. | 4 white men imprisoned fourteen to fifteen years. |
| 4 colored soldiers imprisoned. | 5 white men imprisoned five years. |
| 5 colored soldiers under sentence of death; temporarily reprieved by President. | 11 white men imprisoned under one year. |
| 40 colored soldiers on trial for life. | 18 white men fined. One colored man still on trial for life. |
| White policeman who caused the riot not even indicted. | 17 white men acquitted. |
| No white army officers tried. (Military law.) | (Civil law.) |

How does the contrast affect you? How must it affect our colored fellow-citizens?

We owe it to them—we owe it to ourselves—that while they are giving their lives abroad to make the world safe for democracy we should do our part to make this country safe for their kindred at home, or, to quote a better phrase, we should “make America safe for Americans.”

Upon me, upon all of you, rests the clear duty of helping create the public opinion which will accomplish this end. The time has been when in Wisconsin regard for human rights and determination that they should be respected animated this people, when they followed leaders who really believed in the principles proclaimed in the Declaration of Independence, when in their zeal they even defied the Supreme Court of the United States. May I express the hope that this faith is not dead and that the cause which I am advocating may find here leaders and friends?

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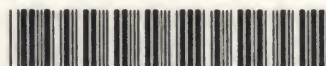
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